

Douglas E. McKinley  
8350 W Grandridge Boulevard  
Suite 200-431  
Kennewick, Washington 99336  
(509) 628-0809 phone  
(509) 392-8083 fax  
Attorney for SOLGEN POWER, LLC

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

CORY CUMMINS AND SAVANNAH  
CUMMINS,  
Plaintiff,

vs.

SOLGEN POWER LLC and VERITY  
CREDIT UNION,  
Defendant

Case No. 3:23-cv-05363-JLR

**PROPOSED ORDER**

1 Check One:

2  
3 \_\_\_\_ Upon Defendant's Motion to Dismiss pursuant to CR 12(b)(6), the Court  
4 having been fully apprised of the proceedings, the Court hereby dismisses all  
5 claims with prejudice for failure to state a claim upon which relief may be granted.

6 \_\_\_\_ Upon Defendant's Motion to Dismiss pursuant to CR 12(b)(6), the Court  
7 having been fully apprised of the proceedings, the Court hereby dismisses all  
8 claims with prejudice and directs the Parties to arbitrate their dispute  
9 by binding arbitration in accordance with the rules of the American Arbitration  
10 Association under construction industry arbitration rules, as set forth in the  
11 Contract between the Parties. As further set forth in the Contract between the  
12 Parties, the substantive law of Washington State will apply to such arbitration  
13 without respect to any conflict of law's provisions, and the arbitration will be  
14 conducted in Franklin County Washington.

15 Dated this \_\_\_\_ day of \_\_\_\_\_, 2023

16 \_\_\_\_\_  
17 Hon. James L. Robart  
18 United States District Court Judge  
19

20 PROPOSED ORDER